



October 16, 2019

Jefferson County
Approval

Keith Kulow
Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood
N5505 Crossman Rd
Lake Mills, WI 53551

SUBJECT: Conditional Approval of Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood
Nutrient Management Plan, WPDES Permit No. 0056308-06-0

Dear Mr. Kulow:

After completing a review of Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood 2018-2022 Nutrient Management Plan (NMP) the Wisconsin Department of Natural Resources (Department) is providing conditional approval that it is consistent with s. NR 243.14, Wis. Adm. Code. This part of your WPDES permit application is now ready for the public notice and comment process as required by Ch. 283 Stats.

Before applying manure onto approved fields each season, the Department recommends Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood review the NMP with those individuals involved with manure applications to ensure all remain familiar with the approved manure spreading protocol, spreading maps, field and map verification, record keeping requirements, and all the conditions of this approval. Specifically, some fields in Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood may have:

- Soils that may have bedrock or groundwater within 24 inches of surface,
- Multiple setback areas due to streams, conduits to streams, grassed waterways, wetlands or wells, and
- Evidence of possible soil erosion/flow channels. Note: road ditches or other man made channels may be considered flow channels or conduits to navigable water and may be subject to a SWQMA and setback.

Reviewing the NMP and checking fields for these features and soil conditions prior to manure applications will help Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood maintain compliance with their WPDES permit and Ch. NR 243 requirements.

This Nutrient Management Plan includes an 'Alternative Distribution Plan' which is approved as part of this conditional approval. The following language is for manure and process wastewater that will not be distributed to AgriNatural Grower Supply and will be land applied by Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood.

FINDINGS OF FACT

The Department confirms that:

1. At the time of the Nutrient Management Plan submittal the poultry flock size was 11,218 animal units (912,000 Coop Size Layers and 155,000 Pullets). A planned flock size of 24,600 animal units (2,000,000 Coop Size Layers and 800,000 Pullets) will be obtained during the permit term.

2. At the time of the Nutrient Management Plan submittal, manure generation and spreading records indicate your flock annually generated approximately 3,832,500 gallons of process wastewater and 25,000 tons of solid manure. After the planned flock expansion, your flock will annually generate approximately 8,030,000 gallons of process wastewater and 50,000 tons of solid manure.
3. The use of application restriction options 1 and 5 within surface water quality management areas.
4. The use of phosphorus delivery method P Index.
5. That Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood currently has 491.9 acres (0 owned and 491.9 controlled through contracts, rental agreements or leases, or under manure agreements) of which 477.3 are spreadable acres.
6. That some fields included in the NMP are directly adjacent to or have high potential to deliver nutrients and sediment to Crawfish River (listed 303(d) impaired water by 'Total Phosphorus').
7. That no fields are directly adjacent to or have high potential to deliver nutrients and sediment to outstanding/exceptional waters.
8. That Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood currently has at least 321 days of storage for solid manure.
9. That 1 field is tiled.
 - Wiedenfeld Russel 07
10. That all fields will be checked for the following features prior to/during manure or process wastewater applications: soil areas with possible shallow groundwater (i.e., within 24 inches of surface) at the time of manure application; required setbacks associated with wells, navigable waters, conduits to navigable waters, grassed waterways, wetlands, possible soil erosion/flow channels.
11. That surface applications of manure will not be completed when precipitation capable of producing runoff is forecasted within 24 hours of the time of planned application.

CONDITIONAL NUTRIENT MANAGEMENT PLAN APPROVAL

The Department hereby approves the 2018-2022 Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood Nutrient Management Plan subject to the following conditions and the applicable requirements of Ch. NR 243, Wis. Adm. Code:

FIELD AND MANURE MANAGEMENT

1. Fields not included in the NMP and new fields shall not receive manure or process wastewater applications until they have been properly soil sampled, entered into Snap Plus, evaluated for their nutrient needs, and approved by the Department.
2. The following fields have also been approved to receive industrial, municipal, or septage waste:

Field Name	Other Permittee Name	Other Permittee Field Name	DNR #
Wiedenfeld Home 01	NA	1	102061
Wiedenfeld Home 02	NA	2	102062
Wiedenfeld Home 03	NA	2	102062
	NA	17	102075
	NA	18	102076
Wiedenfeld Home 05-06	NA	6	102065
	NA	7	102066
Wiedenfeld Home 07	NA	16	102074
	NA	15	102073
Wiedenfeld Home 08	NA	10	102068

	NA	11	102069
Wiedenfeld Home 09	NA	12	102071
Wiedenfeld Home 10	NA	13	102072
	NA	19	102077
Wiedenfeld Stark 01B	NA	3	103431
Wiedenfeld Stark 01A	NA	3	103431
Wiedenfeld Stark 04	NA	4	103432
Wiedenfeld Stark 02	NA	2	103430

Prior to any manure applications on these fields Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood shall contact the entities listed above to obtain recent spreading records and make the necessary adjustments to the planned manure application rates. At the end of each year Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood shall contact each entity listed above to obtain spreading records from the previous year so that they can be properly tracked in the NMP. Please Note: Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood is responsible for obtaining nutrient content values for all other wastes spread on any field in their NMP.

- If existing fields yield a soil test results greater than 200 ppm P, those fields would be prohibited from receiving manure or process wastewater applications, unless you obtain Department approval in accordance with NR 243.14(5)(b)2., Wis. Adm. Code.
- If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium (NH_4^+) is greater than 75% of the total N, Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood may use the following equation to adjust the first year available nitrogen when applications are injected or incorporated within 1 hour:

$$\text{First-Year Available N} = \text{NH}_4\text{-N} + [0.25 \times (\text{Total N} - \text{NH}_4\text{-N})]$$

- Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood shall record daily manure applications by using form 3200-123A.
- Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood shall annually submit a spreading report that summarizes the land application activities listed under NR 243.19(3)(c)5., Wis. Adm. Code by using form 3200-123.

WINTER SPREADING

- Liquid manure applications during winter conditions, as defined by NR 243.14(7), Wis. Adm. Code, are prohibited with the exception of emergency applications.
- The following field(s) are approved for winter spreading of process wastewater only:

- | | | |
|-------------|-------------|-------------|
| - Home 02 | - Home 07 | - Russel 10 |
| - Home 03 | - Home 10 | - Stark 01A |
| - Home 05 | - Russel 03 | - Stark 01B |
| - Home 06 | - Russel 04 | - Stark 02 |
| - Home 08 | - Russel 06 | - Stark 04 |
| - Home 09 | - Russel 02 | - Stark 05 |
| - Stark 03 | - Wollin 01 | - Home 01 |
| - Wollin 02 | - Wollin 03 | - Wollin 04 |

9. The following field(s) are denied for winter spreading of process wastewater:

- | | | | |
|-----------|-----------|--------------|-------------|
| - Home 04 | - Home 12 | - Russel 01B | - Russel 08 |
| - Home 11 | - Home 14 | - Russel 01A | - Russel 09 |
| - Home 13 | - Museum | - Russel 07 | - Stark 06 |

10. Winter spreading of solid and liquid manure may not occur during the “high risk runoff period” pursuant to s. NR 243.14(6)(c) and NR 243.14(7)(c), respectively.

11. Winter applications of liquid manure shall only occur under emergency situations, after notifying the Department and receiving verbal approval.

12. Liquid applications shall be limited to 3,500 gallons per acre or 30 lbs. P per acre, whichever is less, on slopes 2-6% and 7,000 gallons per acre or 60 lbs. P per acre, whichever is less, on slopes 0-2%. Winter applications of solid manure shall be limited to 60 lbs. P per acre.

HEADLAND STACKING

13. No headland stacking sites are approved.

MANURE & PROCESS WASTEWATER IRRIGATION

14. Irrigation of manure or process wastewater is prohibited.

MANURE DISTRIBUTION

15. The department hereby approves Daybreak Foods Inc.- Wisconsin Cage Free- Creekwood to distribute dried solid manure to AgriNatural Grower Supply (AGS) via NR 243.142 (2)(b)(2), Wis. Adm. Code.

16. Based on the distribution plan submittal, Daybreak Foods, Inc-Creekwood will insure that AgriNatural Grower Supply will require growers to subscribe and adhere to a Nutrient Management Plan that is defined by NRCS code 590 when land application of the distributed manure, fertilizer, and compost takes place.

SUBMITAL AND RECORDKEEPING REQUIREMENTS

17. A copy of this conditional approval shall be included in all future annual Nutrient Management Plan Updates in addition to the NR 243 and NRCS 590 checklists.

This conditional approval does not limit the Department’s regulatory authority to require NMP revisions (based upon new information or manure irrigation research findings) or request additional information in order to confirm or ensure your farm operation remains in compliance with NR 243 and your WPDES permit conditions. If additional information, project changes or other circumstances indicate a possible need to modify this approval, the Department may ask you to provide further information relating to this activity.

Please keep in mind that approval by the Department of Natural Resources – Runoff Management Program does not relieve you of obligations to meet all other applicable federal, state or local permits, zoning and regulatory requirements.

If you have any questions regarding this approval I can be reached at 715-839-3775 or Aaron.Orourke@Wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'AOR', with a stylized, cursive flourish extending from the end.

Aaron O'Rourke
WDNR Nutrient Management Program Coordinator
Wisconsin Department of Natural Resources

cc: Mark Cain, WDNR Agricultural Runoff Specialist (Mark.Cain@Wisconsin.gov)
Laura Bub, WDNR Watershed Field Supervisor (Laura.Bub@Wisconsin.gov)
Mary Anne Lowndes, WDNR Runoff Management Section Chief (MaryAnne.Lowndes@Wisconsin.gov)
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